GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - All India Services - Sri Girisha P.S., IAS(2012), former Commissioner, Tirupati Municipal Corporation (now under suspension) - Disciplinary Proceedings under Rule 8 of All India Services (Discipline & Appeal) Rules, 1969 –Articles of Charge – Orders – Issued.

GENERAL ADMINISTRATION (SC.D.) DEPARTMENT.

G.O.Rt. No. 199 Dated:30.01.2024

Read the following:-

1. G.O.Ms.No.4, G.A.(SC.D) Dept., Dt.18.01.2024
2. From the General Administration (Elections.B) Dept, U.O.Note No. 222/Elecs.B/A1/2024-7, Dt.24.01.2024

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ORDER:

Government have decided to initiate disciplinary proceedings against Sri Girisha P.S., IAS(2012), former Commissioner, Tirupati Municipal Corporation, (now under suspension) under Rule 8 of the AIS(D&A) Rules, 1969.

2) The substance of misconduct and misbehavior in respect of which the disciplinary action is proposed to be initiated is set out in the enclosed Statement of Article of Charges Annexure-I. A statement of imputations of misconduct and misbehavior in support of the articles of charge, together with the list of documents by which and the list of witnesses by whom, the articles of charge proposed to be sustained, are enclosed as Annexure-II, III and IV respectively.

3) Sri Girisha P.S., IAS (2012), is directed to submit a written statement of defense and also state whether he desires to be heard in person, within 15 days of receipt of this order.

4) Sri Girisha P.S., IAS (2012), is informed that an inquiry will be held, only if the Articles of Charge are not admitted and in case if it is considered necessary. He should therefore, specifically admit or deny the Articles of Charge.

5) Sri Girisha P.S., IAS (2012), is further informed that if no written statement of defence is filed within the time specified in Para 3 above, or if he does not appear in person before the Inquiry Authority or otherwise fails or refuses to comply with the provisions of Rule 8 of All India Services (Discipline and Appeal) Rules, 1969 or the orders or directions issued in pursuance of the said Rules, action will be taken against him on the basis of the material available on record, on the ground that he has no explanation to offer.

6) Attention of Sri Girisha P.S., IAS(2012), is invited to Rule 18 of the All India Services (Conduct) Rules, 1968, according to which no Member of Service shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under

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the Government. If any representation is received on his behalf from another person in respect of Sri Girisha P.S., IAS(2012), in any matter dealt within these proceedings it will be presumed that he is aware of such representation and that it has been made at his instance and action will be taken against him for violation of rule 18 of the All India Services (Conduct) Rules, 1968.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRTARY TO GOVERNMENT

To
Sri Girisha P.S., IAS(u/s),
former Commissioner and District Magistrate, Annamayya District,
former Tirupati Municipal Corporation,
The G.A(Elections.B) Department.
Copy to
The Secretary to Government of India, Department of Personnel & Training,
North Block, New Delhi - 110 001.
The General Administration (SC.A) Department.
The General Administration (SC.E) Department.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI GIRISHA P.S., IAS (UNDER SUSPENSION), THE THEN COMMISSIONER, MUNICIPAL CORPORATION, TIRUPATI.

That Sri Girisha P.S, IAS (under suspension) has failed to discharge his official duties as Electoral Registration Officer and showed gross negligence and omission in performance of duty as indicated below.

Article of Charge

That the said Sri Girisha, P.S., IAS, the then Commissioner, Tirupati Municipal Corporation while he was functioning as Electoral Registration Officer for 167-Tirupati Assembly Constituency in March and April, 2021, there was approximately 34,000 EPICS downloaded from the ERONET in respect of the electors who were not new and who had not applied for the replacement of EPIC (March/April 2021) from 167- Tirupati AC and the download facility was only available with the ERO of 167- Tirupati AC and the ERO login has been used for downloading the approximately 34000 EPICs. He has also failed to maintain the confidentiality of credentials provided to the ERO for accessing and updating the database on ERO-Net, which is very much essential according to the ECI guidelines dt.11.03.2019. Thus he has not taken into consideration the instructions of the Election Commission of India and showed gross negligence and omission in performance of duty and violated Rule 3(2B) (xi) (xii) & (xiii) of All India Services (Conduct) Rules, 1968.

Dr. K.S. JAWAHAR REDDY
CHIEF SECRTARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI GIRISHA P.S., IAS (UNDER SUSPENSION), THE THEN COMMISSIONER, MUNICIPAL CORPORATION, TIRUPATI.

Imputation of charge:

Complaints were received during bye-elections to 23- Tirupati Parliamentary Constituency in the year 2021 that on polling day i.e., 17.04.2021 unknown persons were transported from other areas to cast vote with fake voter IDs. Cases were booked and (11) FIRS were filed.

Smt.Daggubati Purandeswari, State President, BJP, A.P., submitted a representation dt.14.12.2023 to the Hon'ble Election Commission of India on 14.12.2023 wherein it was complained that they have come across information about 35000 digital EPIC cards of voters belonging to Tirupathi Assembly Constituency, template of blank EPIC card and data of Orphans/ Old age people/ disabled People/ non- residents polling Booth wise and a fraud has been committed in illegal downloading of digital copies of EPIC cards which would be printed on the blank EPIC card template with the photo of real elector blurred and the apprehension of use of these printed EPIC card with photo blurred by bogus electors. It was also alleged that the digital copies of 35000 EPIC cards as mentioned in the petition have been downloaded by some official un-authorizedly and given to private person.

The Commission in its letter No.30/AP/SOU3/2023/25928, dt.19.12.2023 has forwarded the said representation and asked for a report in the matter immediately. To proceed to enquire into the matter further, the ECI has been addressed to furnish the log details of EPICS generated through ER Printing tool on ERO-Net during the year 2021 and other details vide this office letter dt.02.01.2024. While forwarding the above complaint dt.14.12.2023, the Collector & District Election Officer, Tirupati has also been requested to get the complaint enquired into and furnish a detailed report on the contents of the representation vide this office Memo No. 1733/Elecs. B/A1/2023-8, dt.05.01.2024.

The Collector & District Election Officer, Tirupati in his letter No.Roc.H/12/2024, dt.07.01.2024 has reported that the present ERO has enquired the then Tahsildar and the Election Deputy Tahsildar about the allegation and they have stated that the generation of EPICS is purely technical work and they were not aware of this issue i.e., creation of duplicate EPICS by illegally downloading the original EPICS in the year 2021 and that the duty of generation of EPICS is assigned to the concerned Election Computer Operators working in Tahsildar's Office. The ERO has also reported that as seen from the records and EPIC downloaded data available at the Tahsildar, Tirupati Urban, 8,070 EPICS were downloaded from 16.01.2021 to 05.01.2022. Further, on enquiry, the election computer operators have denied the allegation and that they are not aware of creation of duplicate EPICS by illegally downloading the original EPICS in 167-Tirupati AC in the year 2021. The three election data entry operators have also agreed in their written statement that they only know the credentials of ERO Net logins and prima facie it is established the role of the data entry operators in downloading the original EPICs un-authorisedly in

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the year 2021 from ERO Net by using the then ERO credentials. The Municipal Commissioner, Tirupati and ERO has lodged a complaint with the Supdt. Of Police, Tirupati for conduct of detailed enquiry into the matter and for taking necessary action as per law. A case has been registered vide FIR No. 15/2024 u/s 417 420, 409 109, r/w 34 IPC and Section 66-D, 66-E, 66 r/w 43, IT Act of East Police Station Tirupati on 07.01.2024.

The Election Commission in its letter dt.15.01.2024 has informed that the CDAC team has informed that approximately 34,000 EPICS were downloaded from the ERONET in respect of the electors who were not new and who had not applied for the replacement of EPIC (March/April 2021) from 167 Tirupati AC. The download facility was only available with the ERO of 167-Tirupati AC and the ERO login has been used for downloading above 34,000 EPICS. In view of the serious omission on the part of the ERO, the Commission has directed that the erstwhile ERO of 167-Tirupati AC and other responsible officers/staff shall immediately be placed under suspension till pending the investigation/enquiry and the angle of conspiracy shall also be investigated in departmental proceedings and criminal investigation.

According to Rule 28 of the Registration of Electors Rules, 1960, ERO shall issue EPIC to the new electors enrolled on the basis of Form-6 and replacement of EPIC shall be issued on an application in Form-EPIC-001.

During the year 2021, the Commissioner, Municipal Corporation, Tirupati was notified as ERO for 167-Tirupati Assembly Constituency and Sri Girisha P.S., IAS worked as Municipal Commissioner, Tirupati Municipal Corporation & ERO for 167- Tirupati Assembly Constituency.

The Election Commission of India issued instructions from time to time on the maintainability of login credentials given for ERO- Net. The Commission in its letter dt.11.03.2019 has reiterated that all officers having 'Log in' facilities in ERO-Net should never share login credential and OTP to any unauthorized person and all activities performed under the 'log in' are the responsibilities of the officers having that login credentials given to him / her.

By his above mentioned acts, he has failed to maintain absolute integrity devotion to duty and committed irregularities in downloading of EPICS without following due instructions of the Commission and he violated the ECI guidelines and also didn't followed the instructions issued by Election Commission of India. He showed gross negligence on the part of officer and violated Rule 3(2B)(xi)(xii) & (xiii) of All India Services (Conduct) Rules, 1968.

Dr. K.S. JAWAHAR REDDY
CHIEF SECRTARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

ANNEXURE – III

LIST OF DOCUMENTS ON THE BASIS OF WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI GIRISHA P.S., IAS (UNDER SUSPENSION), THE THEN COMMISSIONER, MUNICIPAL CORPORATION, TIRUPATI.

i) Complaint dt.14.12.2023 of Smt. Daggubati Purandeswari, State President, Bharatiya Janata Party, Andhra Pradesh

ii) Letters dt.02.01.2024 of the Chief Electoral Officer, A.P. addressed to the ECI

iii) Letters dt.07.01.2024, 17.01.2024 received from the Collector & District Election Officer, Tirupati.

iv) Election commission of India, Letter No. 30/AP/SOU3/2023/25928, Dt.19.12.2023.

v) Election Commission of India, Letter No. 23/ID/2012-ERS, Dt.27.02.2013

vi) Election Commission of India, Letter No.23/ID/2015-ERS, dt.13/20.01.2016.

vii) Election Commission of India, Letter No. 485/Comp/ETPBS/2019, dt.11.03.2019.

Dr. K.S. JAWAHAR REDDY
CHIEF SECRTARY TO GOVERNMENT

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SECTION OFFICER (SC)

ANNEXURE – IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI GIRISHA P.S., IAS (UNDER SUSPENSION), THE THEN COMMISSIONER, MUNICIPAL CORPORATION, TIRUPATI.

-NIL-

Dr. K.S. JAWAHAR REDDY
CHIEF SECRTARY TO GOVERNMENT

//FORWARDED::BY ORDER//

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